

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 145 of 2006 (S/B)

Radhey Mohan, aged about 59 years,
S/o Late R.D. Chaudhary,
R/o F-23, Rajajipuram,
District Lucknow

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Petitioner

Versus

1. State of Uttaranchal through Principal Secretary,
Irrigation, State of Uttaranchal,
Dehradun.
2. State of U.P. through Principal Secretary,
Irrigation, Civil Secretariat, Lucknow.
3. Chief Engineer (Ganga Ghati),
Irrigation Department, Uttaranchal,
Dehradun

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Respondents

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Sri S.S.L. Srivastava, Advocate for the petitioner.
Sri J.P.Joshi, Additional Chief Standing Counsel for respondents 1 and 3.
Smt. Beena Pande, Standing Counsel (U.P. Govt.) for respondent no. 2.

**Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.**

RAJEEV GUPTA C. J. (Oral)

Sri S.S.L. Srivastava, Advocate for the petitioner.

Sri J.P.Joshi, Addl. Chief Standing Counsel for respondents 1 and 3.

Smt. Beena Pande, Standing Counsel (U.P. Govt.) for respondent
no. 2.

2. Sri J.P. Joshi, the learned Additional Chief Standing Counsel for respondents 1 and 3 has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Neither in the writ petition nor during the course of hearing, the petitioner could demonstrate as to how the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter, following the Division Bench decisions of this Court in the cases of **Bhuvan Chandra Pandey and others Vs. State of Uttaranchal & others** reported in 2006 (2) U.D. 439 and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.No. 257 (S/B) 2005)**, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is liable to be dismissed and is hereby dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievances projected in the writ petition.

(J.C.S. Rawat, J.)
21.03.2007

(Rajeev Gupta, C. J.)
21.03.2007

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